

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1712

(1) I, Bob J. Mickelson, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Providing for the sale of milk and milk products in metric sized containers.

Amending WAC 16-654-030 and WAC 16-654-040

Repealing WAC 16-654-003 Promulgation

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 80-06-124 filed with the code reviser on June 2, 1980. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 19.94 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED July 18, 1980 FILED

JUL 21 1980

By Deputy Director Title

CODE REVISER'S OFFICE

WSR 80-09-079

AMENDATORY SECTION (Amending Order 1422, filed 10/31/75)

WAC 16-654-030 FLUID MILK PRODUCTS. All fluid dairy products, including, but not limited to whole milk, skimmed milk, cultured milk, sweet cream, and buttermilk and all fluid imitations and fluid substitute dairy products shall be packaged for retail sale only in units of:

(1) Inch-Pound Volumes - One gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons, or multiples of one gallon; or

(2) Metric Volumes - 118 milliliters, 236 milliliters, 296 milliliters, 473 milliliters, 946 milliliters, 1.89 liters, 3.78 liters, 5.67 liters, 7.56 liters, 9.45 liters, or multiples of 3.78 liters; or

(3) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter: PROVIDED, That packages in ((units-of)) inch-pound sizes less than one gill and metric sizes less than 118 milliliters shall be permitted.

AMENDATORY SECTION (Amending Order 1422, filed 10/31/75)

WAC 16-654-040 OTHER MILK PRODUCTS. Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in ((the-Pasteurized-Milk-Ordinance-of-the-U.S.-Public-Health-Service-as-amended-in-1965)) WAC 16-101-401 through 16-101-670, shall be sold in terms of weight: PROVIDED, That cottage cheese, sour cream, and yogurt shall be packaged for retail sale only in units of:

(1) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois; or

(2) Metric Weights - 227, 340, 454, 680, 907 grams; 1.81, 2.27, and 3.63 kilograms; or

(3) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms: AND PROVIDED FURTHER, That multi pack or single ((service)) serving inch-pound sizes of 6 ounces or less shall be sold only in ((even)) whole ounce increments, and that metric sizes of 200 grams or less shall be sold only in 25 gram increments.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-654-003 PROMULGATION.

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to Chapter 19.94 RCW and Weights and Measures regulation covering method of sale and standardized sizes of containers and units of fluid milk and other milk products.
- (b) This regulation permits the sale of milk and milk products in metric sized containers.

(c) Department of Agriculture
Dairy and Food Division
James E. Wommack
406 General Administration Building
Olympia, Washington 98504

(d) Proponents: Robert M. Gregg
Valley Fresh Products, Inc.
Sumner, Washington

Opponents: Pete Steele, Quality Control Director
Carnation Co.
Seattle, Washington

Douglas C. Marshall, Corporate Council
Consolidated Dairy Products Company
Seattle, Washington

- Jerry Teel, President
Vitamilk Dairy, Inc.
Seattle, Washington